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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,259	06/17/2002	Jean-Marie Jules Joseph Koeune	DN1999200UAS	2952
7590	05/04/2004		EXAMINER	
The Goodyear Tire & Rubber Company Patent & Trademark Department D823 1144 East Market Street Akron, OH 44316-0001			FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/089,259	KOEUNE, JEAN-MARIE JULES JOSEPH	
<b>Examiner</b>	<b>Art Unit</b>		
Justin R Fischer	1733		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 June 2002.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 17-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 17-32 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 17 June 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03262002.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 17, 23-25, and 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Auxerre (US 6,463,975). As best depicted in Figure 3, Auxerre is directed to a pneumatic tire construction having a tread 4 (as depicted in Figure 1), a pair of sidewalls 5, a pair of bead regions, each having an inextensible annular bead core 11, one or more carcass plies 2 in each bead region, and an elastomeric element or filler 73 disposed adjacent each bead core. The carcass structure of this tire passes under the radially inner portion of said bead core, is wrapped around said elastomeric

element, and terminates at a position inward of the bead core and anchored between the bead core and the carcass ply.

It is noted that while claim 23 contains the language “axially inward of the respective bead core”, it is believed that applicant intended the tire to require the elastomeric element be axially outward of the respective bead core. This description is consistent with applicant’s original disclosure, as evidenced by Figures 2 and 3, Page 2, Lines 14-18, and the language of dependent claims 24-32. As such, the claims have been treated as requiring an axially outward positioning for the elastomeric elements.

With respect to claims 24 and 25, the claimed geometry is depicted by Auxerre in Figure 3.

Regarding claims 28-32, Figure 3 of Auxerre clearly depicts the claimed arrangement of the carcass turnup portion in relation to the bead core and the elastomeric element or filler.

3. Claims 23-25 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda (JP 2-293207). As best depicted in Figure 1, Yasuda is directed to a pneumatic tire construction having a tread 12, two bead regions 16, two bead cores 24, a reinforcing ply 18, and two elastomeric elements (one in each sidewall) 30, wherein the turnup 20 of said reinforcing ply wraps around the bead core. Also, as noted in the previous paragraph, it appears that applicant intended the elastomeric elements to be positioned axially outward of the respective bead cores- this configuration is depicted in Figure 1 of Yasuda.

Regarding claims 24 and 25, the claimed geometry is depicted by Yasuda in Figure 1.

With respect to claims 28-31, Figure 1 of Yasuda clearly depicts the claimed arrangement of the carcass turnup portion in relation to the bead core and the elastomeric element or filler.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxerre. As detailed above, Auxerre discloses a tire construction in which a carcass turnup portion surrounds an axially outward positioned elastomeric element (in relation to the bead core). Although Auxerre fails to describe the elastomeric elements as being arranged in a pre-cured state, it is extremely well known in the tire industry to apply various tire components to a building drum in either a green (uncured) or cured condition. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to select either of the well known and extensively used techniques, it being noted that the components must be applied in the one of the two aforementioned conditions.

6. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxerre and further in view of Causa (US 5,513,683). In describing the elastomeric element or filler 73, Auxerre is completely silent as to the inclusion of reinforcing fibers. However, one of ordinary skill in the art at the time of the invention would have found it obvious to include reinforcing fibers in the filler of Auxerre since it is extremely well known to include such fibers in a variety of tire rubber components, including fillers, in order to enhance the reinforcement of a given tire component, as shown for example by Causa (Column 1, Lines 5-32). It is particularly noted that Causa discloses each of the claimed fibers as providing suitable reinforcing characteristics. As such, the inclusion of fibers in the elastomeric filler of Auxerre would have readily appreciated by one of ordinary skill in the art at the time of the invention. It is further noted that applicant has not provided a conclusive showing of unexpected results to establish a criticality for the use of reinforcing fibers.

7. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxerre and further in view of Travers (US 3,301,303). Auxerre teaches the pneumatic tire construction of the claimed invention as defined in independent claim 1. In describing the tire making process, Auxerre only states that bead reinforcement layers are laid on a building drum, as is common in the tire industry (Column 5, Lines 30-35). While the reference is completely silent as to the method steps involved in forming such a tire, one of ordinary skill in the art at the time of the invention would have found the claimed steps obvious since they are consistent with the techniques commonly employed in similar tire constructions. For example, Travers is directed to an

extremely similar tire construction and formed by the following steps: the carcass is laid over a building drum, a first bead element is positioned over the carcass, the carcass is turned up and folded inwardly over said bead element, and a second bead element is disposed inwardly of said first bead element (Column 2, Lines 63-72). This is analogous to the claimed method and represents the common manner in which locked or anchored carcass turnup structures are manufactured. Also, while not expressly described, it is readily apparent that the tire would be subsequently expanded and inflated.

As to claim 22, it is unclear if the claim positively requires a chafer and "other tire components". In any event, the claimed sequence of adding tire components after expansion of the building drum is well known and extensively used in the tire industry, there being no conclusive showing of unexpected results to establish a criticality for adding the components after expansion. Thus, it would have been obvious to incorporate the well-known method identified above in the process of Auxerre. Furthermore, the tire of Auxerre does contain an additional rubber component disposed axially outward of the elastomeric element that can be viewed as a chafer.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxerre and Travers as applied in claim 20 above and further in view of Winstanley (US 3,654,007). As noted above, Auxerre suggests a method in which the respective components are laid on a building drum. While Auxerre is silent as to the construction of the building drum, one of ordinary skill in the art at the time of the invention would have found it obvious to include a groove or recess in the building drum in order to

ensure accurate positioning of the bead components, as shown for example by Winstanley (Figure 1 and Column 2, lines 40-70). It is emphasized that building drums used in the tire industry are commonly employed with a recess or groove for the benefits noted above and as such, one of ordinary skill in the art at the time of the invention would have readily appreciated such a construction in the method of Auxerre.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda. As detailed above, Yasuda discloses a tire construction in which a carcass turnup portion surrounds an axially outward positioned elastomeric element (in relation to the bead core). Although Yasuda fails to describe the elastomeric elements as being arranged in a pre-cured state, it is extremely well known in the tire industry to apply various tire components to a building drum in either a green (uncured) or cured condition. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to select either of the well known and extensively used techniques, it being noted that the components must be applied in the one of the two aforementioned conditions.

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda and further in view of Causa. As detailed above, Yasuda discloses a tire construction in which a carcass turnup portion surrounds an axially outward positioned elastomeric element (in relation to the bead core). In describing the elastomeric element or filler, Yasuda is completely silent as to the inclusion of reinforcing fibers. However, one of ordinary skill in the art at the time of the invention would have found it obvious to include reinforcing fibers in the filler of Yasuda since it is extremely well known to include such

fibers in a variety of tire rubber components, including fillers, in order to enhance the reinforcement of a given tire component, as shown for example (Column 1, Lines 5-32). It is particularly noted that Causa discloses each of the claimed fibers as providing suitable reinforcing characteristics. As such, the inclusion of fibers in the elastomeric filler of Yasuda would have readily appreciated by one of ordinary skill in the art at the time of the invention. It is further noted that applicant has not provided a conclusive showing of unexpected results to establish a criticality for the use of reinforcing fibers.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kajiwara (JP 3-204314), Jackson (US 4,580,610), and Lejune (US 3,736,974) are all directed to tire constructions incorporating an elastomeric element in the bead region, wherein a carcass turnup portion surrounds the respective elastomeric elements.

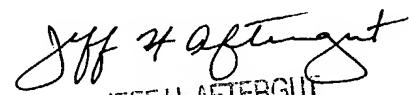
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Justin Fischer

April 29, 2004

  
JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300